



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL  
ATTORNEY GENERAL

March 25, 1977

The Honorable Jerry Harris  
City Attorney  
City of Austin  
P. O. Box 1088  
Austin, Texas 78767

Open Records Decision No. 155

Re: Whether information  
relating to complaint of  
employment discrimination  
against city is public.

Dear Mr. Harris:

You have received a request for information concerning details of a complaint of employment discrimination against the City of Austin filed with the City's Human Relations Commission. You request our decision as to whether the information is excepted from required public disclosure as information made confidential by law under the exception in section 3(a)(1) of the Open Records Act, article 6252-17a, V.T.C.S. You suggest that the information is made confidential by 42 U.S.C. § 2000e-5(b), which provides that charges of discrimination and activities during conciliation negotiations may not be made public by the Equal Employment Opportunity Commission (EEOC) its officers or employees.

The Human Relations Commission (HRC) is empowered to enforce local law banning employment discrimination, and also contracts with the EEOC to assist in enforcing Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. The contract provides that the HRC may not make public the names of parties and facts of a case it is investigating or conciliating on behalf of the EEOC.

The City is in a dual role in the case at hand, in that its Human Relations Commission is the investigative representative of the EEOC, and the City is also the employer complained against. In this instance, the HRC investigated the complaint and referred it to the EEOC after a finding of cause. HRC served the City of Austin with notice of the complaint in the course of its investigative procedures. The notice contains the information requested.

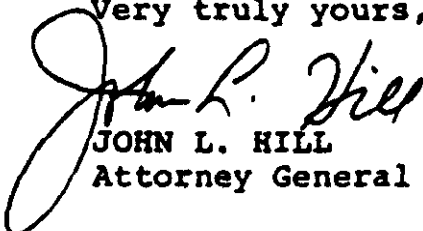
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We do not believe that the notice of the complaint received by the City as employer is excepted from required public disclosure by the federal law to which you refer. We have previously held that "the federal statute only restricts disclosure by those enforcing the Equal Employment Opportunity Act . . . ." Open Records Decision No. 59 (1974). No federal statute or regulation prevents an employer's disclosure of information relating to a claim of employment discrimination. See Open Records Decision Nos. 132 (1976), 59 (1974). We have also said that the final determination of a city's affirmative action office as to complaints of discrimination against the city are public, so long as the information requested did not include detailed information from personnel files. Open Records Decision No. 139 (1976).

The information requested is held by the City as the employer against whom this complaint was made. It is our decision that information so held is not excepted from required public disclosure under section 3(a)(1) of the Act, by reason of the federal law you cite, which only restricts disclosure by the EEOC, its officers and employees.


In light of this decision, it is unnecessary to explore the reach of the federal provision as to the HRC and any contractual responsibilities imposed upon the HRC as an agent of the EEOC.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
DAVID M. KENDALL, First Assistant

  
C. ROBERT HEATH, Chairman  
Opinion Committee

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